

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: April 18, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of March 25, 2013

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The following actions were taken by the Planning Commission on March 25, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier and Schiff – 7

Not present: Wielinski (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**1. Above the Falls Master Plan Update (Wards: 1, 3, 4 and 5) ([Haila Maze](#)). This item was continued from the February 19, 2013 meeting.**

**A. Master Plan:** Considering adoption of the *Above the Falls Master Plan Update* documents.

**Action:** The City Planning Commission recommended that the City Council **approve** the *Above the Falls Plan Update* document and **amend** the policy guidance for the area into the City's comprehensive plan with the following suggested change to the Strategies and Tools section, under Land Use Controls on page 198 of Chapter 9 of the draft document, the fourth bullet point:

"For areas identified as 'mixed use,' allow existing zoning to remain as long as current uses continue to operate in these areas, but permit rezoning to residential or mixed use development once conditions for the Vision Plan are met (see Vision Plan section)."

The City Planning Commission further recommends that CPED develop a partnership with businesses that would develop viable landscaping plans to improve the appearance of industrial sites in the area.

The comprehensive plan amendment is subject to final review and approval by the Metropolitan Council.

**Aye:** Gagnon, Huynh, Kronzer and Schiff

**Nay:** Cohen and Luepke-Pier  
**Absent:** Wielinski

Staff Maze presented the staff report.

**Commissioner Cohen:** You said that this is to be sure that existing use is protected, but how does it deal with the possibilities of expansion? Does that require petitioners to come in and get approval to do that?

**Staff Maze:** It would depend on the land use application. As with all of our Planning Commission actions, if a variance is required or a CUP or something, there still might be a requirement to come through the land use application process. It's hard to say in advance what those applications would be. Unless it was minor, there's a good chance it wouldn't be as of right, but that would be handled through the normal process, it would not be an additional burden put upon those property owners.

Staff Maze continued with the staff report.

**Commissioner Luepke-Pier:** Would that mean that if I were a bicyclist that I'd be riding along 2<sup>nd</sup> Ave N instead of along a bike path that is on park land?

**Staff Maze:** Right now, the parkway route sort of shows going through the GAF site, which is this red box. If the interim route is 2<sup>nd</sup>, it already is the interim route effectively. There's something called the Mississippi River Trail and it says it goes that way and it actually is a city bikeway. That's not the same parkway experience as if we had a riverfront parkway throughout the rest of the length so I'm calling it out as an option but just saying that there's something lost in terms of the integrity of the system.

**Commissioner Luepke-Pier:** Is it as unpleasant in that area as it is by 26<sup>th</sup> Ave or is it some sort of nice place that I haven't discovered yet?

**Staff Maze:** It's an industrial area. It was not chosen because it is an ideal bike route, but because it is in existence.

**Commissioner Cohen:** That doesn't preclude us from improving the experience, does it? It's just the way the experience is now it doesn't sound too enjoyable, but it still would be possible to make that a better experience than it is now if the city chose to do so, wouldn't it?

**Staff Maze:** Of course.

Staff Maze concluded the staff report.

**Commissioner Luepke-Pier:** Of the 1-3 that weren't in compliance, are they located in any of the areas that we're currently examining or are they just throughout the city in general?

**Staff Maze:** That was just in the Above the Falls area; there's actually more throughout the city. I'd say on a citywide basis it's probably closer to five to ten annually. I think the staff report states that in the most recent years there have been a couple in that area, I think Northern Metals and Ramsey Excavating come to mind as ones that have been mentioned recently.

**Commissioner Cohen:** Let me thank you for an excellent report that is responsive to our questions. You've given us the opportunity to examine these different options in a way that makes it understandable and it was

good staff work and I appreciate it. Have we gone into the issue of trying to improve the site itself by doing some landscaping? I'm concerned about that because I've traveled other rivers in Europe and the United States and it seems to me that these issues help resolve some of the concerns that people have about the environmental impact, the appearance of these sites and it would seem to me that this would be something that we could work on with the various employers down there and try to achieve something better than what exists now.

**Staff Maze:** Absolutely. The plan addresses in a couple different places the goal of greening and improving some existing sites, especially acknowledging that some areas are guided to remain industrial and some areas probably will remain industrial for some time. The recommendations around the storm water section of the plan are really relevant because we've had a lot of discussion about ways to green the sites to make them manage storm water more effectively and sustainably and also very attractively. There are different ways businesses can be done green and this sort of takes in the whole spectrum of them including improvement of operations. That represents a partnership attitude of saying we acknowledge you're staying, we want you to stay, let's find a way to work together as opposed to saying we don't like you and want you to not be here anymore. The plan does address that.

**Commissioner Gagnon:** Is there ever a conversation when it comes to the industry of partnering with the city for a different location in the city for them to do their business, to move locations?

**Staff Maze:** Yes, that comes up many times. In some cases it is possible and in some cases it's more challenging. Some of the uses that are hardest to relocate are frankly uses that we just don't have another viable site for in the city that we're aware of, especially if you're talking about an I2 or I3 use, there is very little available land of that type of the size and location. The Coloplast project, that was an opportunity where there was a very proactive effort to say let's find some different sites in the city. I think there is an interest in that and I think if we're able to identify viable sites there may be some opportunities for that, but it's not just a simple question of just making it happen. This plan does have some detailed information about what sites are available; some are easier to relocate than others.

**Commissioner Gagnon:** Ok, so that conversation has happened with this project or has not?

**Staff Maze:** Yes, it has. The Park Board can speak to that more directly because they have been actively looking at purchasing land along the riverfront and perhaps relocating some of the users in there.

**Commissioner Schiff:** I want to make sure we don't get the wrong impression. How much money is available to relocate these uses that are designated to be discontinued and who is paying for it?

**Staff Maze:** I will let Bruce answer that.

**Bruce Chamberlain:** The Park Board isn't actively relocating any businesses within the Above the Falls or any other part of the city.

**Commissioner Schiff:** That's my understanding is that there's no money to relocate any of these businesses and that is not part of the discussion right now. I wish it was, but with budgets being what they are, the city or the Park Board don't have an extra bank account to move businesses from one neighborhood to another neighborhood in the city of Minneapolis.

**Commissioner Gagnon:** So it has not been part of the conversation.

**Staff Maze:** In terms of the amount of funding available, no. In terms of if it's a viable option for land use to transition, yes.

**Staff Byers:** Maybe I can help clarify. The city has not worked with specific property owners to relocate any businesses and there are no resources currently identified to do that. Not only are there no resources to do that, that is exactly why the plan update is coming back to you because the policy from the previously adopted plan was really too far reaching and wasn't practical. This plan recognizes that industrial users will need to stay. That said, it is a plan for the future. While there is no funding to do it and there are no specific conversations with specific property owners, it is still the intention that this is something that the city will look at and create, perhaps, some economic development tools that could be useful over the next couple of decades. That doesn't mean that we have those tools at the moment or that we've had specific conversations and have a specific property relocation plan in mind. At the moment we're trying to get the policy set up so that that's the platform for further discussions. I hope that helps.

**Bruce Chamberlain:** The regional park boundary is really an expression of a long term vision for a public riverfront in this case that recognizes it's going to take decades to accomplish that by working with land owners on their schedule when they're interested in selling their property. A recent example of this is 1720 Marshall in northeast Minneapolis where we acquired a property that was on the market which will eventually be transitioned to a regional park. The regional park boundary is really a funding tool. It allows the Park Board to use regional park funding mechanisms to acquire and develop park land. When those opportunities present themselves, we want to be able to jump on them if a property comes up for sale that is within the regional park and envisioned to be park land whether it's along the river or another part of the city. If a property is not within a regional park boundary, regional park funds cannot be used to acquire it so we would either need to expand the boundary quickly at that time and hope we were in a position to still be able to acquire the property or that property would go to another buyer if there's more demand for it. In Minneapolis I think it's important to note that park land is not a zoning classification. The underlying zoning allowances remain in place regardless of whether the property is within a regional park boundary or not. In the case of the GAF area and the Lowry Bridge area, the regional park boundary has been specifically located and actually studied quite a lot to accommodate the future continuous parkway along that stretch of the river. The main point that we want to express is that we're working on a very long term vision for park land in this area that doesn't really have an impact on existing land uses it really is an opportunity approach to us being able to negotiate and work with property owners at the time that they're willing and interested in selling property.

**Commissioner Cohen:** I think your long term vision should include an icon of some kind. We're here at the beating heart of the most important river in the world and I love grass but grass doesn't just do it. We need something a little bit more outstanding than that. You see these amazing features next to major rivers around the world and here we are at the heart of this and we don't have anything to really commemorate and show the significance of this city as a world city in terms of the significance of where we are and what we do. We've talked about it and I think somewhere in your plan you want to say maybe we should have an international contest for a design there. Maybe this is something that'd take 10-40 years to do but we need something that signifies the importance of this river. You're standing in a room that was beautifully remodeled to reflect the meaning of this city and there are two murals in there. That isn't a mural of Vikings Stadium and that isn't a mural of the Target Field, it's the river and that's why we're here and I'd like to see us to do more to signify our importance as the river city of the world.

**Bruch Chamberlain:** I would argue that the city is doing it. It's a long term strategy and your comments have been locked in mind since we talked about it [tape ended]...

**Commissioner Luepke-Pier:** ...of some sort located in a certain area and let's just say the GAF site was the perfect site to put it in but we didn't own it and they were interested in selling it; you're telling us that the best way for you to be able to afford to have that is if it was already designated as regional park land that's available for this opportunity so you could more quickly acquire it?

**Bruce Chamberlain:** The tools that we have available to us for acquisition are primarily regional park funding tools. In order to use those tools a piece of property needs to be within what we've designated as a future regional park.

**President Tucker:** I'm going to remind you that we had an extensive public hearing on February 19 where we had a full and thorough airing of many issues. If you look back on the report that Ms. Maze just gave us from pages 7-10 there are nine items that were covered at our public hearing and I don't think we need to cover them again. In addition, she went on to request from the planning commission six items that are new information which I think is fair for public comment if you want to talk about that. I will reopen the public hearing for new information and new ideas. I don't want to repeat everything that we did two cycles ago.

**Thomas Sargent [not on sign in sheet]:** I'm the plant manager at the GAF facility. Last time I was here I spoke to you about my concerns about the land use guidance for parks and open space and how that would impact the ability of the plant to obtain future capital. What I'd like to point to tonight is the graphic display of what the park board would have as proposed to the facility. This is the map from page 87 from the Above the Falls Plan draft. This white block is the GAF plant, this is Lowry, the blue dot is meant to represent a water settlement pond that exists today. You can see how the parkway is proposed to run along between the railroad tracks and the facility. This is an aerial view of this same area. This dark area is the water settlement pond as it exists today and here is the plan property. The portals that exist under the approach; this portal is where the railroad right of way passes through and then these other opens are a pier and another pier. I think this is the opening that CPED has proposed for the parkway. If it's this one the plant is right there and if it's this one I still have a plant right there and this is the river. So, based on the earlier map this looks to be where that's going to be. I'd like to point out that if there is a parkway going up through here it would be fatal for the operation of the facility. Today we receive raw materials by truck and by rail on this side of the facility. Any time of any given day we receive between 45 trucks and up to 190 trucks of raw materials coming in and leaving so a parkway coming through here, which was defined as limited access, would be fatal for the plant. This is a different map that includes areas to the north of the facility. This parkway would be a serious and fatal blow to the operation of the plant. When the owners see a proposal like this in a plan, it makes it very difficult for me to lobby to get capital dollars. I request that this be addressed.

**Commissioner Luepke-Pier:** Could Mr. Chamberlain or Haila point out where that pathway is? It looked to me from the photo and the map that it would actually be to the left of that oblong drainage field.

**Thomas Sargent:** There's the portal where the tracks are today. If it goes up through this area and passes through here, it has to go to the left or the right.

**Commissioner Luepke-Pier:** If it goes to the left of it, do you still have the same concerns?

**Thomas Sargent:** That's the railroad track right of way. It calls for a 70 foot wide right of way for the parkway and there's no extra room for anything even close to that along with the tracks. Even if it went through there and the tracks remain that'd be one matter, but if the tracks are taken out and rail service eliminated that too would be a huge blow to the facility because we receive a large quantity of materials incoming on rail and we ship finished product outbound by rail.

**Commissioner Luepke-Pier:** Can staff answer where this is running?

**Bruce Chamberlain:** The parkway would exist in about that location to the right of that bridge abutment that you see. If you can see the rail corridor, the bridge abutment is here, the parkway would be in this location.

**Commissioner Luepke-Pier:** Would it keep that same distance from the rail corridor going north or would it curve back around?

**Bruce Chamberlain:** Approximately, it would keep that same distance from the rail corridor as it moves to the north.

**Commissioner Luepke-Pier:** In the interim, until the park board would purchase land, it would not affect this parking lot at all?

**Bruce Chamberlain:** Right.

**Commissioner Cohen:** If the proposed parkway would actually go through, am I correct in saying you said this would be fatal to your operation?

**Thomas Sargent:** Yes. It would cut the plant in half because west of the rail right of way is a large portion of our operations. That parkway would cut the facility in half and would preclude me bringing raw materials in to the west side of my operation.

**Commissioner Cohen:** Would a 2<sup>nd</sup> St option work for you? What would work for you in order not to make it impossible for you to do business there?

**Thomas Sargent:** As long as we can make our turn on 33<sup>rd</sup> St, that would be fine with the plant.

**Commissioner Cohen:** Is there any need for improvements along 2<sup>nd</sup> that would make it a more attractive facility for public and pedestrian use than exists today and if that is the case if that assumption is correct, what steps would GAF take to enhance that experience and to make it better than it is and better than the experience that Commissioner Luepke-Pier described earlier. How can we make a compromise of some kind that would make this work for all concerned? Do you have an answer to that question?

**Thomas Sargent:** None of the GAF property even comes close to 2<sup>nd</sup> St. Our property ends at an alley behind the first series of houses on 2<sup>nd</sup>.

**Commissioner Cohen:** You don't regard that as part of your responsibility; am I correct.

**Thomas Sargent:** If the alley is the end our property, there's no part of 2<sup>nd</sup> St that we control or have access to do anything about.

**Commissioner Kronzer:** Can you explain how your semi-truck traffic access this site and how it maneuvers the site?

**Thomas Sargent:** Trucks come in off the interstate at Dowling and turn south on the street which is a combination of Washington and 2<sup>nd</sup> and stays on 2<sup>nd</sup> and turns east toward the river on 33<sup>rd</sup> St.

**Commissioner Kronzer:** Is 33<sup>rd</sup> a public street?

**Thomas Sargent:** It is.

**Commissioner Kronzer:** It goes all the way to your property?

**Thomas Sargent:** It is a public street to right about here and then the city vacated the remainder of 33<sup>rd</sup> St. Right about here is where the public street ends.

**Commissioner Kronzer:** How do you get your products to the west half of your site that's bifurcated by the freight corridor?

**Thomas Sargent:** We put them on a tractor trailer and haul them to the property.

**Commissioner Kronzer:** So you're using the public street to do that?

**Thomas Sargent:** Yes.

**Commissioner Luepke-Pier:** You are in understanding that if this is approved, this bike corridor won't be going through your site until the time that you're company decides to sell eventually a hundred years from now to the Park Board, right?

**Thomas Sargent:** I understand that position, but my point earlier when I was here the last meeting, was that the plan and the forecast of the land use is having a negative effect on the facility already for reasons I outlined in my earlier discussion.

**Commissioner Luepke-Pier:** I wasn't sure since you said it would be fatal. It wouldn't be fatal unless your business chose it to be fatal.

**Thomas Sargent:** If the parkway were there and we were still trying to operate, I would be unable to get my raw materials or finished goods.

**President Tucker:** The question was just that if the plan calls for some future parkway, that's not fatal. Putting the parkway there would be fatal.

**Thomas Sargent:** If the parkway were there it'd be fatal.

**Commissioner Luepke-Pier:** Right, but the parkway wouldn't be there unless you decided to relocate somewhere else anyway. So, in reality, you understand that it wouldn't really matter?

**Thomas Sargent:** It matters to the extent that it throws a cloud over the capital investment in the plant today?

**Commissioner Luepke-Pier:** Are there plans for future investment in this plant? Are there plans on the docket to expand?

**Thomas Sargent:** Not today, but I'm vying for capital money every year. I've been enjoying large dollars until this year.

**Commissioner Luepke-Pier:** We're being asked to weigh the interest of business versus the interest of residents who want more greenery; can you explain to me why we should value your business over the future vision of the people who live there since when we last took count there was only three percent of the people in

the industrial district who actually live in north Minneapolis and from what I could tell that's about three percent more than were employed by GAF.

**Thomas Sargent:** I have 109 jobs there and we spend \$47m in Minneapolis. I think that's a very compelling argument about why we should be given consideration.

**Jack Perry (Briggs and Morgan) [not on sign in sheet]:** I'm here on behalf of Northern Metal Recycling. I want to first answer the question that was posed by Commissioner Gagnon. You asked if businesses were approached and I think it's pretty clear by now that we were not approached. One of the amazing things about this update is how candid it is about identifying the problems with the 1999 plan, but the city staff was very clear that the initiative for four or five different legislative reasons that were subsequently passed is no good. You can't do it the way it was envisioned in 1999. I find that refreshing as a land use lawyer that people are being honest that that doesn't work. The curious part is that your update says that you can't do it the way you had it in 1999 so we're going to do a different approach. Before, you were guiding it and planning to be involved in the conversion of this property from industrial to other private uses, but now you recognize under the new legislations that you can't do that. You can't guide this property. You can put a vision together, but you can't guide it. That makes perfect sense. What you're saying there is correct. For GAF, they are guided consistent with this vision. That creates a problem. On October 2, 2009, the City Council passed a comp plan and that comp plan already guided this area consistent with this vision. By state statute nine months after that, and according to Mendota Heights supreme court decision of 2006, that meant nine months after October 2 these properties have already been guided and effectively rezoned to that which your staff said "we can't do that or we'll get into all sorts of legal problems." The issue that we have here is, I believe this body needs to step back and look at...in fact, I was disappointed because I talked to Commissioner Cohen beforehand and he had asked to get feedback from the City Attorney and I was expecting him to say that they had clarified the same point that I'm making here which is that everyone is being up front and candid that they can only do a vision and guide but have already guided. If you want to have a vision, that's fine, but you have to go back to the October 2, 2009 plan and undo that. Those maps, which are your official controls, actually guide exactly what you are trying to have as a vision now. The reason that is a huge concern, legally and practically, is that you have, under this guide that's been passed, half of the land along the river is park land. You also have a vision in your code that doesn't allow to have split zoning in any parcel which means that if half of our property is guided park land or open space park land then the whole thing is that way. The land owners, such as Atlas, now have property that has been effectively zoned as of July 2, 2010, as park land. There is no market for park land. While they have a lease with Northern Metal Recycling, that ends. Every one of the land owners is going to go crazy when they figure this out. That's the issue that we have. The solution is to find out from your council if I'm correct, and I think I am, to address this issue. I think the only solution...your own staff report says you can't guide and rezone this area without huge issues, you can vision, but you can't guide...you have to go back and look at that and undo it.

**Commissioner Cohen:** He had asked me what happened at the Committee of the Whole meeting with regard to the participation of the City Attorney and I summarized it for him as follows: I said the City Attorney had at our request read the letter from Faegre and his view was that this letter raised not legal issues but policy questions. If any of you want to dispute that, please go ahead and do it, but I think that's an accurate summary of what was said. My initial concern about this whole matter has been regenerated by Mr. Perry's testimony raising legal issues which apparently our City Attorney has not yet addressed. That's the way I see matters at this moment and we're going to have to decide what to do next.

**Tom Dimond (2119 Skyway Dr):** It's good to recollect that if you look at the Above the Falls Plan it creates new jobs and you create 2500 new housing units. It's an expansion of jobs and opportunities. I'd like to speak mainly about the housing. The City Council adopted plan says "the most important result of the planning



process is a new residential neighborhood on the west bank. The benefits of the city and the region will be substantial. The plan opens up a large space with a waterfront amenity where the 25 housing units will be developed.” It goes on to say “that development of medium to high density residential use on the west bank will return the most in tax base and social benefits to the local and regional economy.” The update guts that plan. The update takes out 60% of the housing that’s proposed and makes it practically impossible to develop the balance of it. The industrial redevelopment of the northwest corridor, according to the update, will create \$159m net value added. Residential development on that same land will create \$695m net new development. That’s \$536m more development if we do residential on that property. The map that’s provided on 8-1 in the update plan is a really telling map. If you take a look at it, anywhere you have residential on the riverfront, the neighborhoods next to it are significantly higher in value and investment than where you have no residential on the riverfront. In the update it mentions the impact to the freeway. If you take a look at southeast off Franklin or you take a look elsewhere, freeways are not the major determinant of the values; it’s that residential on the riverfront which is the driving factor on neighborhoods. That is a key indication of the significance of insuring that that is done as residential. The draft calls for housing areas to ensure a critical mass of land available to allow the development of neighborhood context with a range of amenities and walkable format. The update makes that next to impossible. This is in direct conflict with the proposal which eliminates the zoned in housing and then it sets in the plan as the priority to do industrial and office and only potentially infill residential. You can’t get to those numbers, you can’t do residential if you don’t specify where you’re going to do the housing and provide for doing that as a priority. Areas eight and ten, which have Dowling as a mixed use and Lowry as a mixed use, would be the residential gap. It’s a two block strip bounded by single family residential on one and the park and river on the other side. They are about two blocks wide and roughly 3-4 blocks long. Those are the areas we’re talking about. To encourage investment in residential offices or light industrial, people need to know what the future holds. When you’re doing a transition, if people are going to invest in residential or commercial, they need to know what the future holds. You do need to identify what it is to match with your plan. I think the draft understates the issue of Asian carp. It gets to the issue of where are the resources. One of the resources that was not available in the past but is now available...Asian carp, if they get past the locks here what will happen is that 90% of the biomass of our rivers and lakes in central MN, in other words fish, plants and mussels will all be Asian carp. It will wipe out our native species. It will have devastating economic impacts to this state. The only effective way to do that is to close the locks. The only way to close the locks, short of congressional action, is to buy out those industrial properties along the river. There is a win/win opportunity here for everybody to be able to relocate those jobs so they can continue to provide employment and produce products and to redevelop this area to a more intensive use that provides the diversity of housing and jobs that add to the city. That way, we save the current jobs, we have resources coming from the state into the city to help implement that plan and we create additional jobs and housing on this site. I think that’s one of the things that we really need to focus on. We need to focus on new resources that are available that weren’t available before and emphasize how we can maximize the numbers of jobs in the city and maximize the housing potential which will not only provide housing opportunities that are not now available but will also help augment the viability of existing neighborhoods.

**Commissioner Cohen:** Your numbers do not include the costs of closing down the existing industrial and relocating it. You say in your report “relocating the industrial riverfront users should be a high priority” and as you spoke just now you reiterated that point, but there’s a dollar amount there that’s missing from the other figures that you gave us. You also didn’t take into consideration our earlier testimony from our industrial development side of this that we don’t have the resources or money to do that. These missing numbers really have an effect on the credibility of the rest of your testimony and I’d like you to address this.

**Tom Dimond:** One of the things I tried to use was the information in the documents, not my information, the information that was in the original report and the existing report. One of the facilities is Cemstone. They have a facility in St. Paul. They could expand that facility if they had additional land. The city of St. Paul has

gotten \$25m from the State of MN and they're putting additional money in to build a new Saints stadium. The existing Saints stadium is in close proximity on the same road from the Cemstone facility. That area will be opening up...

**Commissioner Cohen:** But we're not in the business of relocating Minneapolis businesses to St. Paul.

**Tom Dimond:** There is a location to locate that business. If you locate that business according to the statistics in the plan that were done by City staff, there will be a net of jobs within the city of Minneapolis. By redeveloping that area, Minneapolis will have more jobs and more tax base than if they don't do it. You have additional jobs just across the border for people who live in Minneapolis. I am from St. Paul.

**Irene Jones (Friends of the Mississippi River) [not on sign in sheet]:** We are located in St Paul, 360 N Robert St. I think people know this already, there is already a regional park plan for the Above the Falls area. It's already on the books and approved by the Met Council and it already runs through GAF's property. Making changes to that would change where that line falls exactly but the fact that there's already a parkway planned to go through their property is already the case. I think the Comprehensive Plan needs to be in agreement with these regional park plans, but they are separate processes. If there is a regional park plan that says that an area is guided for park and the city approves a Comprehensive Plan that is not consistent with those regional park plans, the Met Council will ask the city to change their plan. They are different processes and this laws that were cited from 2006 and 2009 about comprehensive planning and zoning do not actually reflect the regional park boundary. That is a separate process, especially in Minneapolis where you have a park board and city. You already have a land use guidance for land use development on the GAF property in the current Above the Falls plan and you have park. Those things have been adopted in the Comprehensive Plan. This process to update the plan was to sort of resolve some of those issues prior to zoning. If you don't adopt this plan, I think GAF is going to be in a worse situation than they are with the new plan. Most people seem to understand that. The renewing of it renews the energy. We had the design competition, we had River First – the momentum has increased in the last couple years. In regards to the options that were given in here by Haila, option 2, I don't have a problem adding that line to the plan but I think any other changes would not be acceptable to Friends of the Mississippi River. We are pleased with all the work the staff has done and we understand why it has reached the point that it has. I think we share some of the disappointment about not having as much residential development on the west side and we'd like to see it move in that direction eventually. We see that as an environmental justice issue for that community. I ask that you continue to support the staff report and the good work that has been done putting this plan revision together. Thank you.

**Mary Jamin McGuire (2641 Marshall St NE):** I'm representing both the Marshall Terrace neighborhood and the Above the Falls Citizens Advisory Committee. The city and park board has had plans for park land along this upper river since the late 1800s. The current version of the plan is already a serious modification of the award winning vision in the original Above the Falls Plan. Many of us are disappointed in the compromises in the current proposed revision and urge you not to modify it any further. The members of the Above the Falls Committee strongly urge you to approve the Above the Falls Plan update document and amend the policy guidance for this area into the Comprehensive Plan as recommended by staff.

**Susan Vixy (2344 River Pointe Circle):** As Commissioner Luepke-Pier was talking about, the 2<sup>nd</sup> St N bikeway, if you've not tried to bike that in the summer around noon, it's really impossible. It's clogged with huge trucks and cars and the bike lanes are covered with parked cars. If that's going to be an access point, there would really need to be something done to improve that. As far as the air pollution, as of yet, it is my understanding that the MPCA does not on a consistent basis monitor the air quality in the north Minneapolis area. They only have two monitors in the city; one downtown and south Minneapolis. We probably don't know how much pollution comes in that area and the 18,000 people that live within a mile radius on a daily

basis. I do agree with Commissioner Cohen, we are at the heart and the beginning of the river but I have a different take on it because I would certainly support more aggressive relocation of heavy industry and along with what Tom Dimond was talking about by changing the policy; tax base would improve, park land would improve and we could really become the riverfront that other cities have. Thank you.

President Tucker closed the public hearing.

**Commissioner Cohen:** I will move option number three, but I'd like to attach several conditions to it.

**President Tucker:** Is there a second? No second. Is there another motion?

**Commissioner Schiff:** I'd like one more cycle at Committee of the Whole to discuss this. I like the idea of transitional industrial, but if the Met Council is going to send this back for incompatibility with the regional park trail system then we need to know what to do so we're not just passing something forward that's going to get bounced back to us in six months. I'd like more time for the Planning Department to discuss with all of us in an open discussion what we want to do to move forward and make adjustments to this plan based on the feedback that we've received.

**Commissioner Cohen:** If we are going to go into another cycle, my I'd like my concerns addressed for developing a partnership between the industrial users and the Planning Department as to an upgrading of the landscaping for these industrial areas.

**Commissioner Luepke-Pier:** I'm inclined to allow for a continuance, but right now I'm inclined to go with option one because it's the least detrimental to the people who live in the city of Minneapolis, especially those who live in north Minneapolis who I feel are not getting as much as a benefit out of this plan as I would have hoped for in the first place but to see that further eroded through option two or three would not be acceptable to me so if further clarification is given that would in any way aid that I'd be all for it.

**Commissioner Huynh:** My preference would have been to go with option two for the reason that it allows for the current industrial use to keep its operations. However, with the language that if the business was to move out for the property to be able to transition to its property zoning after the business halts. At the same time, I'm unclear what the impact would be on the Met Council if we were to approve either option one or two. It seems like that would not be in compliance with some of the standards so I guess if we are to continue this we should re-evaluate what this means.

**President Tucker:** I think we're ready to move forward on this. I'm happy just passing it as is; which I believe is what option one is. Option two adds some language which deals with some of the concerns about moving things too quickly to nonconforming and somehow that discourages investment and ongoing concern so I'd be happy with either one or two.

**Commissioner Schiff:** That was the feedback I was looking for so I'll move option two (Huynh seconded).

**President Tucker:** Option two has the added language for areas identified as mixed use allow existing zoning to remain as long as current uses continue to operate in these areas but permit rezoning to residential or mixed use development once conditions for the vision in the plan are met.

**Commissioner Cohen:** I'd like that add a condition to that and that is that industrial users and City planners work as a partnership to develop a viable landscaping program for these industrial sites to enhance the aesthetics of these facilities [tape ended]...

**Commissioner Tucker:** No second on that one. I think we can add it as a comment that we look forward to that. That'd probably be up to the park working with the industries and any interim riverfront access. We will throw that in as a comment.

**Commissioner Luepke-Pier:** I wanted a little clarification from Haila in terms of the difference between option one and two. It's my understanding reading through option two that it almost seems to state the obvious which would already be implied in option one which is if they discontinue a use they're allowed to still maintain the existing zoning as long as they don't have it discontinued for longer than a period of a year. Can you explain how that would change from one to two?

**Staff Maze:** The difference in my mind between options one and two is a matter of degrees. The first one says largely supporting the existing use. The second one says more explicitly that it gets to keep its zoning. It's sort of to ward off the idea of nonconforming uses which would be if you rezoned it and the use was there.

**Commissioner Luepke-Pier:** From a legal standpoint, would it change their process if GAF wanted to expand?

**Staff Maze:** It would be more explicitly saying we're not paying to rezone them before they move.

**Commissioner Luepke-Pier:** But we couldn't do that anyway under option one, correct?

**Staff Maze:** I'd say it's a matter of degrees.

**Commissioner Luepke-Pier:** Are we saying we're not rezoning it until they decide to discontinue the use?

**Staff Maze:** That's what option two says. Option one says that...

**Commissioner Luepke-Pier:** Option one says it's rezoned so they are nonconforming; option two says it's not rezoned until they decide to go away.

**Staff Maze:** Yes.

**Commissioner Luepke-Pier:** That helps. I have a question then for Mr. Chamberlain then as far as the regional park boundary. How does option two affect that? Do you know?

**Bruce Chamberlain:** I'm not as familiar as I think I should be with the options so I'm not able to answer that at this time.

**Staff Maze:** From my perspective, option two doesn't change the boundary for the regional park.

**Commissioner Luepke-Pier:** So we still have it going through their site but they get a little more assurance from the wording that says it's not getting rezoned until...

**Staff Maze:** I can say that the guidance for park, the difference between in a situation like that and a situation like this is our Comprehensive Plan is written in a way that our park guidance is more flexible to allow other uses. It doesn't solely say it can be a park and nothing but a park. We had built some flexibility and leeway into the way our Comprehensive Plan is written to allow more than one use for those areas.

**Commissioner Gagnon:** I see that area as one that would most benefit from different development and that's the area of the city I think needs our most significant attention. Could I get a little more perspective of why it will be industrial use and then in the future we might change it? Is there a transition period for it to be mixed use? What's the exact plan?

**Staff Maze:** You're talking about the area south of where we're talking about, the central riverfront area. This is the home to Cemstone and Northern Metals and a couple other industrial uses. This is an area that in the adopted policy shows as transitioning to mixed use. This plan still has that element but it is put in the vision plan category with a transitional industrial feature in the nearer term scenario. The idea is that these uses are quite hard to relocate, they are heavy industrial and there's anticipation in all we've done that they're not going anywhere right away. That said, if there's an opportunity to, that would be something that the plan would support and could move forward, but just going under the assumption that we aren't going to be able to relocate them in the near term, this implies that they will be there for a while with the plan to green and improve their campuses is a mitigation strategy and it does support the vision plan element which is the element without the clear timeframe and with some more steps that need to happen that at some point could transition to mixed use.

**Commissioner Gagnon:** How does them wanting to stick around differ any from GAF? We're looking at rezoning the GAF area when, and if, they decide to move but the conversation is that these guys want to stick around so we're not going to talk about rezoning them to mixed use. I'm confused about the difference between the industrial area that GAF is in and this industrial area.

**Staff Maze:** The implication for this is that the GAF area would transition at a sooner timeframe than the other, that was just based on the fact that the connectivity and location of it and the analysis we did in terms of the viability of those transitionings happening.

**Commissioner Gagnon:** But it may not and this is up to these groups?

**Staff Maze:** It may not.

**Commissioner Gagnon:** I really don't understand the argument and how it's different. If we really want a vision of this to be mixed use; it may take longer for these folks to decide to move and sell their property.

**Staff Wittenberg:** Isn't it the case that much of the area between Broadway and Lowry that's in question is actually part of an industrial employment district whereas north of Lowry generally is not?

**Staff Maze:** Yes. Well, the tracks here are the boundary between a designated industrial employment district and the area that's just shown as transitional industrial. To go into the point of why we made that decision to show this was mixed use and this was transitional industrial was based on market research we did. Because of the Lowry location, there's more connectivity to the neighborhoods, to commercial corridors, to transit service and generally access to the surrounding neighborhood fabric. It was a judgment call based on information we had and doesn't tie it to a specific timeframe.

**Commissioner Cohen:** These industrial facilities can exist alongside some very attractive park land. They don't have to be driven out in order to make this an attractive useable site for all concerned. I'm afraid that if we go ahead and take this step that we have signed a death sentence for some very viable companies here that have been here for a very long time and I don't think we should act precipitously. I don't think waiting one more cycle is going to hurt anything. I think everybody should catch their breath and take another look at the options before we go ahead and do this.

**Commissioner Luepke-Pier:** I'm just going to say what's on my mind about this. I feel like in a way this Above the Falls Plan has been taken hostage by industry and I say this only because when we had the last hearing on this and we had a room packed with wonderful union employees and when I read the survey that they all signed and only five of the addresses on there were even in Minneapolis, I had to find myself saying that these are great jobs and these are great living wage jobs that supply materials that we all use in the building industry, but these are great living wage jobs that could supply materials that could be located not near a river. This commission is charged with guiding the long term vision of the city of Minneapolis to better citizenship. Since less than five percent of their workforce even lives in the city and when we look at the actual census numbers it's actually less than...3.1% live in Minneapolis and zero percent live in north Minneapolis which is the area code where they operate their business in, I have to look at it and wonder what's in the best interest of the city. I'm not anti-jobs because I know those jobs aren't going to go away. If they decide that they're going to relocate they're going to go somewhere else in the metro area. This is a big problem for our city for the people who actually live here and pay taxes here and bring their money back here and spend it here. We're talking about jobs and helping the community and I keep thinking we're talking around the real issue that this industry doesn't necessarily benefit the city of Minneapolis in terms of taxes or jobs or the residents so I wonder why we're so held hostage to compromising our vision for something that ultimately nobody wants to live next to an industry like that. The fact that it's been there for a long time...quite frankly, the neighborhoods I have lived in have been there longer. I'm torn because I want to keep business but at the same time I see this plan and say that the way it is you still get to keep your business. The residents have to sit down and shut up and put up with it until you decide to waive your white flag and leave, but at the same time I hear "well, we're just going to pack up our toys and go home if we don't get it the way we want it." I think that's the ultimate slap in the face for the city because if you're willing to cut off your nose to spite your face and damage the future of your business just because you didn't get a line moved on a plan that says that this neighborhood can someday, perhaps a hundred years from now, have a park here, that tells me that you're not invested in the city of Minneapolis in the first place so I wonder why we're catering to people who don't value their presence in the city of Minneapolis and we're throwing over the people who have dedicated their money and time and livelihoods to live here and actually put down roots. I have to question our priorities if we continue to let ourselves be held hostage by a business that has shown a blatant disregard. Quite frankly, if they bothered investing in infrastructure such as landscaping and greening the parkway areas and borders of their property there's no way we can make them do that and it shows their lack of investment. If they think we can settle for biking along 2<sup>nd</sup> Ave when they admit that they have dozens of semi-trucks barreling down every day bringing them supplies that just tells me they have complete disregard for the pedestrians and bicyclists in my area. I say "my area" because I think north Minneapolis is undervalued enough and it doesn't need to be further undervalued by the very people who are here to protect it and look out for its future best interest. In that regard, I am ready to vote tonight and I'm ready to stick with it being the way it is. If we postpone it I want to see it swing back further to have more park land, especially around 26<sup>th</sup>. The businesses that are there can stay there as long as they want. Their attorneys should tell them that because if they even bothered reading about rezoning they'd know it. I'm going to get off my soapbox now, but I don't know why we're having so much conversation about people who don't even care about the fact that they're in this great city.

**Commissioner Cohen:** I think people can have differences of opinion about the viability of trying to strike a balance between the industrial uses and the park uses but I think the open hostility to this business that Commissioner Luepke-Pier expressed is totally over the top.

**President Tucker:** The motion before us is to approve the Above the Falls Plan update incorporating the language in option two that we find in the staff report.

**Aye:** Gagnon, Huynh, Kronzer and Schiff  
**Nay:** Cohen and Luepke-Pier,

**4. Wetland Habitat Restoration (BZZ-5954, Ward: 2), 2521-23 27<sup>th</sup> Ave S (Aly Pennucci).**

**A. Rezoning:** Application by Donna Sanders, on behalf of Wetland Habitat Restorations, LLC, for a rezoning petition to add the IL Industrial Living Overlay District to the I1 Light Industrial District to allow for more flexibility in uses for the property located at 2521-23 27<sup>th</sup> Ave S, in the I1 Light Industrial District.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District for the property located at 2521-23 27<sup>th</sup> Ave S.

**Approved on consent 5-0;** Schiff not present for the vote  
**Absent:** Wielinski

**B. Conditional Use Permit:** Application by Donna Sanders, on behalf of Wetland Habitat Restorations, LLC, for a conditional use permit to establish a contractor's office located at 2521-23 27<sup>th</sup> Ave S, in the I1 Light Industrial District.

**Action:** The City Planning Commission adopted the findings above and **approved** the conditional use permit for a contractor's office for the property located at 2521-23 27<sup>th</sup> Ave S, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. The use shall comply with the enclosed building requirement of section 550.80 of the zoning code. For the purposes of this requirement, "enclosed" shall mean completely enclosed with no outdoor storage, sorting or processing of materials.
3. The use shall comply with the truck and commercial vehicle parking requirement of section 550.110 of the zoning code.
4. Refuse containers shall be screened as required by section 535.80 of the zoning code.
5. CPED Planning staff review and approval of the final site and landscaping plans.

**Approved on consent 5-0;** Schiff not present for the vote  
**Absent:** Wielinski

**6. NCW Properties LLC (BZZ-5937, Ward: 2), 1113-17 16<sup>th</sup> Ave SE (Kimberly Holien).**

**A. Rezoning:** Application by Nina Wong for a rezoning to add the TP, Transitional Parking overlay district for the property located at 1113-17 16<sup>th</sup> Ave SE, in the R1A district.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for rezoning to add the TP, Transitional Parking Overlay district for the properties located at 1113-17 26<sup>th</sup> Ave SE.

**Approved on consent 5-0;** Schiff not present for the vote  
**Absent:** Wielinski

**B. Conditional Use Permit:** Application by Nina Wong for a conditional use permit for a surface parking lot in the R1A, Single-family district and TP, Transitional Parking overlay district for the property located at 1113-17 16th Ave SE, in the R1A district. The surface parking lot is intended to serve an existing restaurant on the adjacent property at 1500 E Hennepin Ave.

**Action:** The City Planning Commission adopted the findings and approved the application for a conditional use permit to allow a surface parking lot with 22 spaces for the properties located at 1113-17 16<sup>th</sup> Ave SE, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**C. Site Plan Review:** Application by Nina Wong for a site plan review to establish a surface parking lot with 24 spaces for the property located at 1113-17 16th Ave SE.

**Action:** The City Planning Commission approved the site plan review application for a surface parking lot at 1113-17 16<sup>th</sup> Ave SE, subject to the following conditions:

1. All site improvements shall be completed by March 25, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, landscaping and lighting plans before building permits may be issued.
3. The parking lot shall be gated between the hours of 6:00 a.m. and 10:00 p.m. in compliance with Section 551.430 of the zoning code.
4. The north, east and west landscaped yards shall include shrubs that are a minimum of three feet in height and 60 percent opaque for the length of the parking area, in compliance with Section 530.170 of the zoning code.
5. A minimum of four deciduous trees shall be planted within the north landscaped yard, adjacent to E Hennepin Avenue, in compliance with Section 530.170 of the zoning code.
6. The refuse storage container shall be enclosed on all four (4) sides by screening that is comprised of a durable material not less than two (2) feet higher than the refuse container, in compliance with Section 535.80 of the zoning code.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**7. Golden Nest Assisted Living and Adult Day Center (BZZ-5915, Ward: 1), 2501 Taylor St NE (Janelle Widmeier).**

**A. Rezoning:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a petition to rezone the property located at 2501 Taylor St NE from R2B Two-family Residence District to R4 Multiple-family Residence District.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and approve the petition to rezone the property of 2501 Taylor St NE from the R2B district to the R4 district.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**B. Conditional Use Permit:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a conditional use permit to allow an assisted living facility for the property located at 2501 Taylor St.



**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow an assisted living facility for the property located at 2501 Taylor St NE, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**C. Conditional Use Permit:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a conditional use permit to allow a development achievement center.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow development achievement center for the property located at 2501 Taylor St NE, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**D. Variance:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a variance to reduce the interior side yard requirements adjacent to the proposed shared property line to 0 feet to allow the buildings, air conditioning units and parking areas to remain for the property located at 2501 Taylor St.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirements adjacent to the proposed shared property line to 0 feet to allow the existing buildings, air conditioning units and parking areas to remain for the property located at 2501 Taylor St NE, subject to the following conditions:

1. The applicant shall submit proof that the reciprocal easement agreement between seller and buyers of the subject property was recorded with Hennepin County. The reciprocal easement agreement shall include a provision that the City must be notified if the easement is ever terminated.
2. Parking within the required interior side yards shall not be allowed in the parking area accessed from Taylor St NE. The asphalt paving in these areas shall be removed and replaced with landscaping.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**E. Variance:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a variance to reduce the minimum lot area requirement for an assisted living facility and development achievement center from 24,000 square feet to 20,961 square feet for the property located at 2501 Taylor St.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum lot area requirement for an assisted living facility and development achievement center from 24,000 square feet to 20,961 square feet for the property located at 2501 Taylor St NE.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski

**F. Site Plan Review:** Application by Hongjoo Lee, on behalf of Golden Nest, LLC, for a site plan review for the property located at 2501 Taylor St.

**Action:** The City Planning Commission adopted the findings and **approved** the application for site plan review to allow an assisted living facility for the property located at 2501 Taylor St NE (Lots 16, 17 and 18), subject to the following conditions:

1. Landscaping shall be provided on-site as required by section 530.160 of the zoning code.
2. Landscaped yards not less than 7 feet wide with screening and trees shall be provided as required by section 530.170 of the zoning code adjacent to the west and north lot lines.
3. A landscaped yard not less than 7 feet wide shall be provided as required by section 530.170 of the zoning code adjacent to the south lot line.
4. Any areas of the parking lot left unavailable for parking or vehicle circulation shall be landscaped as required by section 530.170 of the zoning code.
5. Installation and maintenance of all landscape materials shall comply with the standards outlined in sections 530.200 and 530.210 of the zoning code.
6. Concrete curbs and/or wheel stops shall be installed as required by section 530.230 of the zoning code.
7. The parking lot layouts shall comply with the minimum parking space and aisle dimensions as required by section 541.330 of the zoning code.
8. At least 4 long-term bicycle spaces shall be provided as required by section 541.180 of the zoning code.
9. Refuse containers shall be screened as required by section 535.80 of the zoning code.
10. Separate access between the residential and nonresidential uses shall be provided as required by section 535.85 of the zoning code.
11. Department of Community Planning and Economic Development staff review and approval of the final site, landscaping, and floor plans.
12. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 25, 2015, or the permit may be revoked for non-compliance.

**Approved on consent 5-0;** Schiff not present for the vote

**Absent:** Wielinski